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In re Application of	:	
VERREAUULT et al.	:	
U.S. Application No. 09/787,782	:	DECISION ON PETITION
PCT No.: PCT/CA99/00849	:	UNDER 37 CFR 1.47
Int. Filing Date: 21 September 1999	:	
Priority Date: 21 September 1998	:	
Attorney Docket No.: 2126.005	:	
For: CLEANSING TOWLETTE DISPENSER	:	

This decision is in response to "RENEWED PETITION UNDER 37 CFR 1.47(a)" filed 17 May 2002. In a decision dated 19 March 2002 the "PETITION UNDER 37 CFR 1.47(a)" filed 02 July 2001 was dismissed because: (1) applicant did not provide adequate proof that the inventor, Alain Jacques, refused to execute the application or could not be reached after diligent effort; and (2) applicant did not provide an oath or declaration by each 37 CFR 1.47(a) applicant on his own behalf and behalf of the non-signing joint inventor.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his own behalf and behalf of the non-signing joint inventor. Items (1) and (3) have been satisfied.

As to Item (2), a review of the present petition and the accompanying papers reveal that applicant has satisfied item (2), in that the petitioner has shown that a bona fide attempt was made to present the application papers, including the specification, claims, and drawings to Alain Jacques. Additionally, Mr. Donald Conrad declares that, "[o]n May 8, 2002, I received a call from Mr. Paul Biron, Alain Jacques' attorney, stating that 'his client will not sign this declaration.'" The steps taken by Michael Slavin and Donald Conrad are sufficient to show that the missing inventor refuses to execute the application.

Regarding Item (4), applicant submitted a declaration executed by Richard Verreault, on behalf of himself and the non-signing inventor, Alain Jacques.

CONCLUSION

The renewed petition under 37 CFR 1.47(a) is GRANTED.

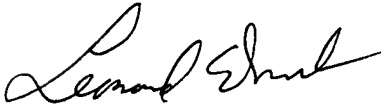
The application will be given an international filing date of 21 September 1999 under 35 U.S.C. 363, and a date of **17 May 2002** under 35 U.S.C. 371(c).

Deposit Account No. 13-0439 has been charged a \$65.00 surcharge fee under 37 CFR 492(e) for supplying an oath or declaration later than 30 months from the earliest claimed priority date, as authorized.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.



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